

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Dec 18, 2023**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUSTIN FLAMMINGSTAR  
MARTINEZ,

Plaintiff,

v.

YAKIMA COUNTY JAIL  
ADMINISTRATION, BUREAU OF  
PRISONS, and YAKIMA COUNTY  
MEDICAL,

Defendants.

No. 1:23-CV-3148-TOR

ORDER DISMISSING ACTION FOR  
FAILURE TO COMPLY WITH  
FILING FEE OR *IN FORMA*  
*PAUPERIS* REQUIREMENTS

Plaintiff Justin Flammingsstar Martinez, a pretrial detainee currently housed at the Yakima County Jail, filed this *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 on September 25, 2023. ECF No. 1. Plaintiff did not pay the \$402.00 filing fee to commence an action (\$350.00 filing fee, plus \$52.00 administrative fee) or properly seek leave to proceed *in forma pauperis*.

On October 25, 2023, this Court issued an Order to Clarify Prisoner Status and/or Pay Filing Fee. ECF No. 7. The Court ordered Plaintiff to clarify his

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1 prisoner status between March 25, 2023, and September 12, 2023, and if he was  
2 incarcerated at any point during that timeframe, to provide certified copies of his  
3 trust fund account statement(s) (or institutional equivalent(s)), obtained from the  
4 appropriate official of each prison or jail at which he was confined. *Id.* at 2. In the  
5 alternative, Plaintiff was instructed to pay the filing fee of \$402.00. *Id.* at 3. The  
6 Court cautioned that failure to comply with these directives on or before December  
7 11, 2023, would result in dismissal of this action. *Id.*

8 Plaintiff did not comply with these directives and has filed nothing further.  
9 Accordingly, for the reasons set forth above and in the Court's prior Order, ECF  
10 No. 7, **IT IS ORDERED** that this action is **DISMISSED WITHOUT**  
11 **PREJUDICE** for failure to comply with the filing fee and *in forma pauperis*  
12 requirements of 28 U.S.C. §§ 1914 and 1915. The Court certifies pursuant to 28  
13 U.S.C. § 1915(a)(3) that any appeal of this Order would not be taken in good faith  
14 and would lack any arguable basis in law or fact.

15 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,  
16 enter judgment, provide copies to Plaintiff at his last known addresses, and **CLOSE**  
17 the file.

18 **DATED** this 18th day of December 2023.



  
THOMAS O. RICE  
United States District Judge